

REMARKS

Independent claim 16 was rejected under 35 U.S.C. §102(e) as being anticipated by Creamer. To anticipate a claim, “a reference must disclose every element of the challenged claim and enable one skilled in the art to make the claimed subject matter.” *PPG Inc. v. Guardian Indus. Corp.*, 37 U.S.P.Q. 2d 1618, 1624 (Fed. Cir. 1996). Further, a prior art reference must “disclose each and every element of the claim with sufficient clarity to prove its existence in the prior art.” *Motorola Inc. v. Interdigital Tech. Corp.*, 43 U.S.P.Q. 2d 1481, 1490 (Fed. Cir. 1997).

As amended, independent claim 16 calls for receiving personal agent software from a subscriber, detecting the occurrence of a network event, upon detecting the occurrence of a network event, determining whether personal agent software for the event is available, and executing the software to provide services to the subscriber. Thus, according to some embodiments of the present invention, a network event may be detected, and in response thereto a determination is made whether personal agent software for the event is available. If the personal agent software is available, then run the personal agent software. Advantageously, whenever the network event occurs a check is made, which ensures that the correct software is run upon detection of the event.

In contrast, pursuant to Creamer, soon after a subscriber purchases a Service Provider’s calling services, a decision is made regarding the type of services to install, such as default or modified. Fig. 10A; 8:34-47. After installation is complete, the modified service logic may execute from the Service Provider’s platform, or the service logic is enabled to function within the Service Provider’s platform. 7:65-67; 9:45-47. Other than these vague statements Creamer fails to specifically disclose how the modified service logic is implemented. As such, Creamer does not anticipate claim 16 and claims dependent thereon.

Claim 21 includes limitations similar to that of claim 16. Thus, for at least the same reasons, Creamer does not anticipate claim 21 and claims dependent thereon.

Claim 26 calls for a processor, and a storage storing instructions that enable the processor to receive personal agent software from a subscriber and execute the software to provide services to the subscriber for a telephone network, the storage also storing a plurality of primitives to implement standard call functions, the system to make those primitives available to the personal

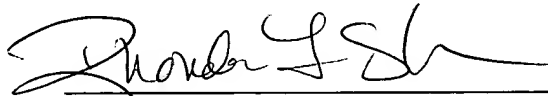
agent software. Thus, pursuant to some embodiments of the present invention, personalized software, such as for personalized call forwarding services, may call network provided service primitives to implement common telecommunications functions such as forwarding the call to another number.

In contrast, pursuant to Creamer when a subscriber modifies a Java bean (service logic), new logic paths are addressed at that time, by required subscriber action. 6:44-54. However, once the modified service logic is downloaded to the Service Provider's platform the service logic is simply described as being "executed" or "enabled to function within" the platform. 7:60-67; 9:45-47. Thus, it is respectfully submitted that Creamer fails to specifically disclose service primitives stored independent of personal agent software that are made available to the personal agent software. As such, Creamer does not anticipate claim 26 and claims dependent thereon.

In view of the amendments and remarks herein, the application is believed to be in condition for allowance. The Examiner's prompt action in accordance therewith is respectfully requested.

Respectfully submitted,

Date: May 25, 2004



Rhonda L. Sheldon, Reg. No. 50,457
TROP, PRUNER & HU, P.C.
8554 Katy Freeway, Suite 100
Houston, TX 77024
713/468-8880 [Phone]
713/468-8883 [Fax]

Customer No.: 21906